

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO.2:07-cr-00175
5:04-cr-00058-02

EMMANUEL STOUMILE,

Defendant.

CORRECTED REVOCATION OF SUPERVISED RELEASE AND JUDGMENT ORDER

Due to clerical error, the Order entered on July 29, 2009 omitted one of the relevant criminal action numbers. This Order serves as an amendment and correction to the July 29, 2009 Order.

On July 29, 2009, the defendant, Emmanuel Stoumille, appeared in person and by counsel, David R. Bungard, AAFP, for a hearing on the *Petition for Warrant or Summons for Offender Under Supervision* submitted by the defendant's supervising probation officer. The United States was represented at the hearing by Miller Bushong, AUSA. United States Probation Officer Kenneth Sales was also present at the hearing.

On April 27, 2005, the defendant was sentenced to a term of imprisonment of 51 months, followed by a 3 year term of supervised release. On January 28, 2008, the defendant was sentenced to a term of imprisonment of 63 days to be followed by a 36 month term of supervised release. The defendant began serving the term of supervised release on January 31, 2008. On April 13, 2009, the *Petition for Warrant or Summons for Offender Under Supervision* was filed charging the defendant with violating certain conditions of supervised release.

At the hearing, the court found that the defendant had received written notice of the alleged violations as contained in the *Petition*, and that the evidence against the defendant had been disclosed. The court further found that the defendant appeared, was given the opportunity to present evidence, and was represented in the proceeding by counsel.

The court then found, by a preponderance of the evidence, that the defendant violated certain conditions of supervised release as contained in the *Petition*. Specifically, the court found that the defendant did not successfully complete the drug treatment program at Transitions in Ashland, Kentucky, when he left the facility on his third day in the program and that the defendant failed to make himself available for drug screening or treatment thereafter. In making these findings, the court relied upon the information contained in the *Petition*, the evidence presented at the hearing, and the defendant's own admission.

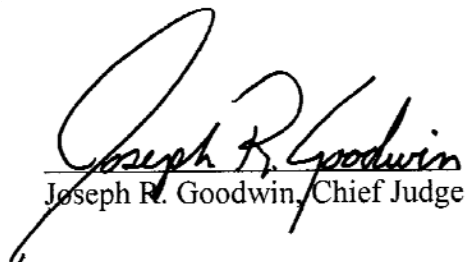
Having found the defendant to be in violation of the conditions of supervised release, the court **REVOKED** the defendant's supervised release and entered judgment as follows:

It is the **JUDGMENT** of the court that the defendant be committed to the custody of the Federal Bureau of Prisons for a term of **ONE YEAR AND ONE DAY**, followed by a supervised release term of **23 MONTHS AND 29 DAYS**.

The defendant was remanded to the custody of the United States Marshal.

The court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: July 29, 2009


Joseph R. Goodwin, Chief Judge